

United States of America )

v.

Marysol Morales,  
Defendant

FILED  
CLERKS OFFICE

2007 JAN 12 P 1:41  
Motion to Proceed

In Forma Pauperis

Now comes Defendant, Marysol Morales (hereinafter "Defendant") and respectfully moves, pursuant to 28 U.S.C. 1915, for an order granting leave to an appeal in forma pauperis from the judgement ordered on August 1, 2006, in the United States District Court of Massachusetts by Judge Saris without prepayment of fees and costs, and without giving security therefore.

Defendant is attempting to perfect a collateral challenge based on 28 U.S.C. 2255, "the sentence was in excess of the maximum allowed by law". Defendant argues that the sentence imposed was excessive, as the United States Sentencing Guidelines were applied ineffectively. Defendant was given enhancements of "vulnerable victim", although Defendant maintains the victims of her crime did not fit the criteria of U.S.S.G. 3A1.1 (a).

Defendant respectfully requests to proceed in forma pauperis.

Respectfully submitted,

Marysol Morales  
Marysol Morales, Pro Se  
Inmate Number 25524-038  
Federal Prison Camp  
Route 37  
Danbury, Connecticut 06881

VERIFICATION

I, Marysol Morales, declare, under penalty of perjury that the foregoing information is true and correct to the best of my knowledge.

DATE:

Sincerely,

A handwritten signature in cursive script that reads "Marysol Morales". The signature is written in dark ink and is positioned above the printed name.

Marysol Morales, Pro  
Se

DC 12 (Rev 8/82)

APPLICATION TO PROCEED IN FORMA PAUPERIS,  
SUPPORTING DOCUMENTATION & ORDER

<b>United States District Court</b>	DISTRICT <u>District of Massachusetts</u> 2007 JAN 12 P M
CASE TITLE <u>Morales, Marysol v. United States</u>	DOCKET NO. <u>1:05CR10035-001-PBS</u> MAGISTRATE CASE NO.

U.S. DISTRICT COURT  
DISTRICT OF MASS.

I, Marysol Morales, declare that I am the (check appropriate box)

☐ petitioner/plaintiff      ☒ movant (filing 28 U.S.C. 2255 motion)  
☐ respondent/defendant      ☐ \_\_\_\_\_ other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

I intend to challenge the sentence I was given. The sentence was based on the Federal Sentencing Guidelines, but I intend to challenge how my guideline points were arrived at, and the upward departures (enhancements) that were given to me.

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes ☐ No ☒

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

I am incarcerated at the Federal Prison Camp in Danbury, Connecticut. My salary for being an orderly is \$18.20 per month.

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

I was in shipping & receiving at a Family Dollar Store. (I received \$7.00 per hour.)

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment Yes ☐ No ☒

b. Rent payments, interest or dividends? Yes ☐ No ☒

c. Pensions, annuities or life insurance payments? Yes ☐ No ☒

d. Gifts or inheritances? Yes ☐ No ☒

e. Any other sources? Yes ☐ No ☒

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

n/a

3. Do you own any cash, or do you have money in checking or savings account?

Yes ☐ No ☒ (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ☐ No ☒

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

n/a

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 19, 2006  
(Date)

Margaret Morales  
Signature of Applicant

**CERTIFICATE**  
(Prisoner Accounts Only)

I certify that the applicant herein has the sum of \$ 15.88  
on account to his credit at the Federal Correctional Institution, Danbury, CT 06811-2004  
institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution:

Candis Jon Wheeler-Lamanna  
Authorized Officer of Institution  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES APR. 30, 2009

**ORDER OF COURT**

The application is hereby denied

United States Judge

Date

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge  
or Magistrate

Date

**Inmate Inquiry**

Inmate Reg #: 25524038  
 Inmate Name: MORALES, MARYSOL  
 Report Date: 12/19/2006  
 Report Time: 2:40:51 PM

Current Institution: **FILED**  
 Housing Unit: **CLERKS OFFICE**  
 Living Quarters: **2001 JAN 12 P 1:41**



General Information | Account Balances | Commissary History | Commissary Restrictions | Comments

**General Information**

Administrative Hold Indicator: No  
 No Power of Attorney: No  
 Never Waive NSF Fee: No  
 Max Allowed Deduction %: 100  
 PIN: 2215  
 PAC #:  
 FRP Participation Status: Participating  
 Arrived From:  
 Transferred To:  
 Account Creation Date: 8/23/2006  
 Local Account Activation Date: 8/24/2006 4:00:23 AM  
 Sort Codes:  
 Last Account Update: 12/19/2006 1:54:09 PM  
 Account Status: Active  
 Phone Balance: \$49.34

**FRP Plan Information**

FRP Plan Type	Expected Amount	Expected Rate
Quarterly	\$25.00	0%

**Account Balances**

Account Balance: \$15.88  
 Pre-Release Balance: \$0.00  
 Debt Encumbrance: \$0.00  
 SPO Encumbrance: \$0.00  
 Other Encumbrances: \$0.00  
 Outstanding Negotiable Instruments: \$0.00  
 Administrative Hold Balance: \$0.00  
 Available Balance: \$15.88  
 National 6 Months Deposits: \$1,186.80  
 National 6 Months Withdrawals: \$1,170.92  
 National 6 Months Avg Daily Balance: \$34.68  
 Local Max. Balance - Prev. 30 Days: \$130.95  
 Average Balance - Prev. 30 Days: \$33.22

## Commissary History

### Purchases

Validation Period Purchases: \$64.87  
YTD Purchases: \$802.92  
Last Sales Date: 12/19/2006 1:54:09 PM

### SPO Information

SPO's this Month: 0  
SPO \$ this Quarter: \$0.00

### Spending Limit Info

Spending Limit Override: No  
Weekly Revalidation: No  
Spending Limit: \$340.00  
Expended Spending Limit: \$61.75  
Remaining Spending Limit: \$278.25

## Commissary Restrictions

### Spending Limit Restrictions

Restricted Spending Limit: \$0.00  
Restricted Expended Amount: \$0.00  
Restricted Remaining Spending Limit: \$0.00  
Restriction Start Date: N/A  
Restriction End Date: N/A

### Item Restrictions

List Name	List Type	Start Date	End Date	Userid	Active
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## Comments

### Comments: